IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.5460 of 2007

Rabindharanath Tagore
Teacher Training Institute for Girls
represented by its Trustee and Secretary
K.K.Balaji Vasenth
Veerachipalayam
Sankari West Post,
Sankari Taluk, Salem District .. Petitioner

vs.

1. State of Tamil Nadu
   rep. by its Secretary
   Department of School Education
   Government of Tamil Nadu
   Fort St. George,
   Chennai - 600 009

2. The Director
   Directorate of Teacher Education
   Research and Training
   DPI Campus,
   Nungambakkam, Chennai-600 006

3. The Director
   Directorate of Government Examination
   DPI Campus
   Nungambakkam, Chennai-600 009

4. The Regional Director,
   National Council for Teacher Education
   Southern Regional Committee
   1st Floor, CSD Building, HMT Post
   Bangalore - 560 031

   (R4 impleaded as per order, dated 27.4.2007
   in M.P.No.2 of 2007 in W.P.No.5460 of 2007) .. Respondents

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This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent to approve the admission list of candidates admitted in Pre-school Teacher Training course for the academic year 2006-2007 and direct the third respondent to conduct May 2007 Government the Examination for Pre-school Teacher Training course for the academic year 2006-2007 for the students admitted in the petitioners Institutions. (List enclosed).

For petitioner : Mr.B.Saraswathy for
Mr.Javid Khan

For respondents : Mr.N.Kannadasan
Additional Advocate General
for R1 to R3

Mr.P.R.Gopinathan for R4

O R D E R

Heard Mr.B.Saraswathy, the learned counsel appearing for the petitioner and Mr.N.Kannadasan, the learned Additional Advocate General appearing for the respondents 1 to 3 as well as Mr.P.R.Gopinathan, the learned counsel appearing for the fourth respondent.

2. It is submitted that the petitioner Institute is conducting a Diploma in Teacher Training Course approved by the National Council for Teacher Education, by its order, dated 1.9.2004. The admission of the students was done under the State Government Single Window System and permission for additional intake of 50 students was issued by the National Council for Teacher Education, by its order, dated 23.9.2005.

3. It is further submitted that as per the Notification of the National Council for Teacher Education, dated 8.1.2004, there is no need for obtaining a 'No Objection Certificate' from the State Government to start a pre-School Teacher Training Course. By an order, dated 1.10.2005, the National Council for Teacher Education had granted approval and permission for admission of 50 students for the Diploma in pre-School Teacher Training Course for the academic year 2005-2006. Even though the petitioner had sent a detailed letter, dated 20.1.2006, to the second respondent to issue necessary guidelines and permission to start the pre-School Teacher Training Course, no orders have been passed by the respondents till date.

4. It is further submitted that since no guidelines had been issued by the first respondent and the second respondent, the petitioner Institute had filed a writ petition in W.P.No.11216 of 2006, before this Court for issuance of guidelines for the pre-school Teacher Training

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Course for the academic year 2005-2006. By an order, dated 21.4.2006, this Court had held that the petitioner Institute could start the Pre-school Teacher Training Institute by following the regulations of the National Council for Teacher Education which contained the norms and standards.

5. It is further submitted by the petitioner Institute that 50 Girl students had been admitted in the pre-School Teacher Training Course for the year 2006-2007 and the classes had started from 4.8.2006. In its letter, dated 10.8.2006, the petitioner Institute had sent the admission list to the second respondent for its approval, enclosing the necessary certificates.

6. It is also submitted that the pre-School Teacher Training Course is of one year duration, as per the regulations of the National Council for Teacher Education. The petitioner Institute had sent a detailed representation, dated 12.1.2007, to the second respondent requesting for approval of the admission list and to forward the same to the third respondent for conducting the Examination to be held in the month of May 2007. In spite of such request being made, no orders have been passed by the respondents granting the relief prayed for by the petitioner Institute. Hence, the writ petitioner has preferred the present writ petition, invoking Article 226 of the Constitution of India.

7. The learned counsel appearing for the petitioner had submitted that the petitioner Institute has been approved by the National Council for Teacher Education and included in the Single Window System of the Directorate of Teacher Education Research and Training, Chennai. The petitioner Institute has also obtained the staff approval from the said Directorate. As per the regulations of the National Council for Teacher Education, there is no need for the petitioner Institute to obtain a 'No Objection Certificate' from the State Government for starting the pre-School Teacher Training Course.

8. The learned counsel appearing for the petitioner had further submitted that, based on the approval granted by the National Council for Teacher Education and the order passed by this Court, on 21.4.2006, the petitioner Institute had admitted 50 Girl students in the one year pre-School Teacher Training Course for the academic year 2006-2007. The classes had commenced from 4.8.2006. The list of admitted candidates had been submitted to the Directorate of Teacher Education Research and Training, vide lr.4612/RTT1/DTRTE/2006, dated 10.8.2006. Though the students had completed the one year course in the month of May, 2007, the petitioner Institute has not received any admission approval from the second respondent.

9. The main contention of the learned counsel appearing for the petitioner Institute is that there is no necessity for the petitioner Institute to obtain a 'No Objection Certificate' from the State Government, as the approval had been granted by the National Council for Teacher Education for starting the one year pre-School Teacher Training

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Course. Further, the State Government cannot have any objection with regard to the petitioner Institute for conducting the said Course. Therefore, it is the duty of the second respondent to approve the admission list of candidates admitted in the one year pre-School Teacher Training Course for the academic year 2006-2007, and it is for the third respondent to conduct the Examinations for the said Course as prayed for by the petitioner Institute in the writ petition.

10. Mr.N.Kannadasan, the learned Additional Advocate General appearing for the respondents 1 to 3 had refuted the claims made on behalf of the petitioner Institute. He had submitted that the recognition has been granted to the petitioner Institute by the Southern Regional Committee in exercise of the powers vested in it, under Section 14(1) of the National Council for Teacher Education Act, 1993, subject to the fulfillment of all the requirements as may be prescribed by other regulatory bodies like the State Government. Therefore, the petitioner Institute cannot claim that once the recognition has been granted to the petitioner Institute by the National Council for Teacher Education for commencing the pre-School Teacher Training Course, the respondents have no further say in the matter. He had also submitted that a High Level Committee had been constituted to go into the various aspects of the matters relating to the Teacher Training Institutes. Unless a final decision is taken by the State Government, based on the recommendations of the High Level Committee, it may not be possible for the respondents to conduct the Examinations for the students of the one year pre-School Teacher Training Course for the academic year 2006-2007, as prayed for in the writ petition.

11. At the stage of the hearing of the writ petition, it is submitted by the learned counsel appearing for the petitioner Institute that, though the prayer in the writ petition is for a larger relief, it would suffice, if the second respondent is directed to consider and dispose of the representation of the petitioner, dated 12.1.2007, on merits, within a specified period.

12. The learned counsels appearing for the respondents had no objection for such an order being passed by this Court.

13. Considering the limited prayer sought for by the learned counsel appearing on behalf of the petitioner, without going into the merits of the case, the second respondent is directed to consider and dispose of the representation of the petitioner, dated 12.1.2007, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner Institute is directed to furnish a copy of the representation, dated 12.1.2007, to the second respondent, enclosing the necessary documents, along with the copy of this order.

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With the above directions, the writ petition is disposed of. No costs. Consequently, connected M.P.No.1 of 2007 is closed.

sd/-
Asst.Registrar

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Sub Asst.Registrar

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To:

1. The Secretary
   State of Tamil Nadu
   Department of School Education
   Government of Tamil Nadu
   Fort St. George,
   Chennai - 600 009

2. The Director
   Directorate of Teacher Education
   Research and Training
   DPI Campus
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   Nungambakkam, Chennai-600 009

4. The Regional Director,
   National Council for Teacher Education
   Southern Regional Committee
   1st Floor, CSD Building, HMT Post
   Bangalore - 560 031

+ one cc to Mr. P.R. Gopinathan, Advocate, SR.74812

+ one cc to Mr. Javed khan, Advocate, SR. 74927

+ two ccs to Mr. S. Balasundaramurthy, Advocate, SR.75036

CU(CO)
RP 20.12.2007.

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